

U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT

RECORD OF DECISION

for the

Systems Conveyance and Operations Program

Clark County, Nevada

Lead Agencies:

Bureau of Reclamation

National Park Service

Cooperating Agencies:

Bureau of Land Management

U.S. Army Corps of Engineers

Colorado River Commission of Nevada

Metropolitan Water District of Southern California

BLM Case File No. N-85157 and currently un-serialized mineral material
contracts and/or permits.

COVER SHEET

Title: Bureau of Reclamation and National Park Service Final Environmental Impact Statement Clean Water Coalition Systems Conveyance and Operations Program

Project and BLM Case File Numbers: Systems Conveyance and Operations Program, N-83981 and N83981-01

Lead Agencies: National Park Service (NPS), 601 Nevada Highway, Boulder City, NV 89005; and Bureau of Reclamation (Reclamation), PO Box 61470 (LC-2621), Boulder City, NV 89006

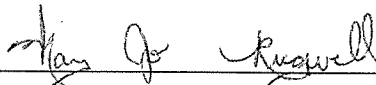
Cooperating Agencies: U.S. Bureau of Land Management, U.S Army Corps of Engineers, Colorado River Commission of Nevada, Metropolitan Water District of Southern California

Applicant: Clean Water Coalition

Preparing Office: BLM Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130-2301

Signatures:

Approved by:



Mary Jo Rugwell, Las Vegas Field Manager

9/3/08

Date

DECISION

After thorough analysis and with due consideration for public involvement, the U.S. Bureau of Land Management (BLM) has determined it will issue a right-of-way permit to the Clean Water Coalition (CWC) to construct and operate the Boulder Islands North Alternative on BLM land. Additionally, the BLM will issue appropriate permits upon application for the disposal of excess materials under the regulations found at 43 CFR 3600. Any excess materials will be stored on an approved location. The use of materials for public purposes is consistent with the Las Vegas Resource Management Plan. The issuance of the right-of-way permit and free use permits will be in accordance with the BLM realty stipulations, which are presented in Appendix J of the Systems Conveyance and Operations Program Final Environmental Impact Statement (SCOP FEIS).

The selected action is the same as the environmentally preferred alternative presented in the SCOP FEIS (see discussion below), which is the Boulder Islands North Alternative. The Boulder Islands North Alternative includes the use of current, conventional treatment processes, plant optimization, increased treatment, and a pipeline to convey highly treated effluent from the three wastewater treatment facilities to an alternate discharge location near the Boulder Islands in Lake Mead.

The CWC, which is comprised of the three agencies currently responsible for wastewater treatment in the Las Vegas Valley: the City of Las Vegas (CLV), the City of Henderson (COH), and Clark County Water Reclamation District, proposes to implement the SCOP. The SCOP would provide an alternate discharge point for the effluent, which is currently discharged to Lake Mead through the Las Vegas Wash. The purpose of implementing the action alternatives is to maintain water-quality standards and National Park Service (NPS) recreational and resource values by operating a system that would allow for flexible management of wastewater flow from the Las Vegas Valley to Lake Mead. The SCOP includes activities and infrastructure that would be located on lands owned or managed by private entities and CLV, COH, Clark County, Bureau of Reclamation Lower Colorado Region (Reclamation), NPS, and the BLM, all within Clark County, Nevada.

The NPS and Reclamation prepared the SCOP EIS as joint-lead federal agencies, and the BLM, U.S. Army Corps of Engineers, Colorado River Commission of Nevada, and the Metropolitan Water District of Southern California were cooperating agencies. However, this Record of Decision pertains exclusively to actions under the authority of the BLM. Agency-specific records of decision will be issued by other federal agencies as necessary. The BLM land that would be traversed by the pipeline, and the storage and use of excess mineral materials under the authority of the BLM will not require mitigation measures. However, mitigation measures to be implemented for all SCOP construction and operations activities are described in the SCOP FEIS and associated Reclamation and NPS records of decision.

The first segment of the pipeline, Effluent Interceptor (EI)-Alignment A, extends from the CLV treatment facility to the EI Terminus site west of Lake Las Vegas. The effluent discharged from the three treatment facilities would bypass the lower Las Vegas Wash via the EI. The second segment of the pipeline, Lake Conveyance System (LCS), begins at the EI Terminus site and extends into Lake Mead near the Boulder Islands. The majority of the Boulder Islands North LCS would be installed in a tunnel through the River Mountains.

Synopsis of Alternatives Considered

The SCOP FEIS evaluates the potential environmental impacts associated with three pipeline alternatives, a Process Improvements Alternative (no pipeline), and the No Action Alternative (no pipeline). The three pipeline alternatives include, the Boulder Islands North Alternative, the Boulder Islands South Alternative, and the Las Vegas Bay Alternative. The Process Improvements Alternative was not analyzed as a separate alternative in the Draft EIS. In the Draft EIS, plant optimization and additional treatment technologies were considered as part of the No Action Alternative. In response to comments that additional treatment should be considered as a separate alternative, the existing No Action Alternative has been divided into a Process Improvements Alternative, in which optimization plus additional treatment are provided, and a No Action Alternative, in which optimization is provided but additional treatment is not.

All of the alternatives analyzed in the FEIS include the use of conventional treatment processes and plant optimization to attempt to meet water quality standards. In addition to the use of conventional treatment processes and plant optimization, the three pipeline alternatives include additional treatment, as needed, and construction and operation of a pipeline that would transport highly treated effluent from the three treatment facilities to a receiving area underwater, within the Colorado River system. The Process Improvements Alternative adds microfiltration/ultrafiltration membranes to plant optimization processes.

The pipeline alternatives would allow for flexible management of the highly treated effluent. A controlled amount of effluent would continue to be discharged to the Las Vegas Wash at each facility. The discharge amount, velocity, and direction from the diffuser would also be flexibly operated depending on the conditions of Lake Mead and the objectives identified in the Boulder Basin Adaptive Management Plan (AMP).

No Action Alternative - A pipeline would not be constructed to transport effluent from the treatment facilities. Current, conventional treatment processes and plant optimization would be used to attempt to meet requirements of the Nevada Division of Environmental Protection through the National Pollutant Discharge Elimination System permitting program.

Boulder Islands North Alternative - This alternative is identified and analyzed in the FEIS as the Preferred Alternative (and is also the environmentally preferred). As noted in the summary above, a pipeline to convey highly treated effluent from three treatment facilities to an alternate discharge location near the Boulder Islands in Lake Mead would be constructed. The Boulder Basin AMP would be implemented as part of the Boulder Islands North Alternative. The selected alternative is described in detail in the FEIS.

Boulder Islands South Alternative - A pipeline to convey highly treated effluent from the three treatment facilities to an alternate discharge location near the Boulder Islands in Lake Mead would be constructed. The first segment of the pipeline, EI-Alignment B, extends from the CLV treatment facility to the EI Terminus location west of Lake Las Vegas. The majority of the Boulder Islands LCS would be installed in a tunnel through the River Mountains. The Boulder Basin AMP would be implemented as part of this alternative.

Las Vegas Bay Alternative - A pipeline to convey highly treated effluent from the three treatment facilities to an alternate discharge location in the Las Vegas Bay of Lake Mead would be constructed. The majority of the Las Vegas Bay LCS would be installed in a tunnel through the River Mountains. The Boulder Basin AMP would be implemented as part of this alternative.

Process Improvements Alternative - Under the Process Improvements Alternative, a pipeline would not be constructed. Highly treated effluent would continue to be discharged to the Las Vegas Wash at the existing discharge locations, and effluent flows would continue to enter the Las Vegas Bay for mixing and diffusion in an uncontrolled fashion. In addition to current, conventional treatment processes and plant optimization, best available technologies would be implemented to maintain an acceptable total phosphorus loading.

Determination of the Environmentally Preferred Alternative

The environmentally preferred alternative is the course of action that would best meet the requirements of §101 of the National Environmental Policy Act (NEPA), and would most satisfy the following requirements:

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.
- Ensure for all generations safe, healthful, productive, and aesthetically and culturally pleasing surroundings.
- Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable or unintended consequences.
- Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment that supports diversity and variety of individual choice.
- Achieve a balance between population and resource use that would permit high standards of living and a wide sharing of life's amenities, and
- Enhance the quality of renewable resources, and approach the maximum attainable recycling of depletable resources.

In summary, the environmentally preferred alternative is the alternative that causes the least damage to the biological and physical environment, and best protects, preserves, and enhances historic, cultural, and natural resources.

The No Action Alternative, while it eliminates the need for construction on federally managed lands, would result in water quality standard exceedances in the Las Vegas Bay. The water quality standard exceedances may result in increased algae production, which may have an adverse effect on recreation in the Las Vegas Bay area of Lake Mead. In addition, the No Action Alternative does not provide the flexibility needed to manage the increasing effluent flows in the Valley. For these reasons, the No Action Alternative is not preferred from an environmental perspective.

The impacts resulting from the Las Vegas Bay, Boulder Islands South, and Boulder Islands North alternatives are similar. The three pipeline alternatives would result in minor, temporary impacts to surface water, biological resources, recreation, noise, air quality, visual resources, and traffic during construction. The Las Vegas Bay Alternative is not preferred from an environmental perspective because although water quality standards would not be exceeded, modeling indicates that effluent discharged in the Las Vegas Bay would not undergo as much dilution as discharge in the vicinity of the Boulder Islands.

Although the Process Improvements Alternative was analyzed in the FEIS, after reviewing the additional information and analyses, the Final EIS concludes that the Process Improvements

Alternative cannot meet key elements of the purpose and need of the project, including the needs to ensure compliance with water quality standards for Lake Mead at a Lake level of 1,000 ft, and to provide the management flexibility to respond to future water quality issues and regulatory requirements.

The Boulder Islands South and Boulder Islands North alternatives result in similar impacts. However, the Boulder Islands South Alternative would generate a larger quantity of spoils that would require disposal. The increased spoil quantity results in an increased number of trucks needed to haul the spoils to designated disposal areas. In addition, the Boulder Islands South Alternative has the potential to affect more archaeologically significant sites than the other alternatives. For these reasons, the Boulder Islands South Alternative is not preferred from an environmental perspective.

The Boulder Islands North Alternative (the selected action) was deemed to be the environmentally preferable course of action because, overall, it would best meet the requirements of §101 of NEPA. It would provide the flexibility needed to manage the increasing effluent flows in the Las Vegas Valley, without degradation of Reclamation, NPS, and BLM resources. In addition, this alternative would use effluent flows through the pipeline to generate electrical power that would be used by the Alfred Merritt Smith Water Treatment Facility. Generation of hydroelectric power is considered an environmentally responsible action and is a beneficial outcome resulting from implementation of the Boulder Islands North Alternative.

Management Considerations

The Boulder Islands North Alternative, the selected action, best meets the requirements of section 101 of NEPA and provides the flexibility needed to manage the increasing effluent flows in the Las Vegas Valley, without degradation of natural resources. Minimization, avoidance, and elimination of the potential environmental effects resulting from the SCOP would be ensured through implementing the mitigation measures described in the SCOP FEIS. The selection of the Boulder Islands North Alternative, as reflected by the analysis contained in the SCOP FEIS is the environmentally preferred course of action. Therefore, after thorough analysis with due consideration for the nature of public concerns expressed, and given the concurrence of the U.S. Fish and Wildlife Service (USFWS) and State Historic Preservation Office (SHPO) in the determinations which have been made, the BLM has determined it will issue a right-of-way permit to the CWC to construct and operate the Boulder Islands North Alternative on BLM land.

Public Involvement and Agency Coordination in Decision-making Process

Public involvement activities and coordination with federal, state, and local agencies occurred throughout the conservation planning and environmental impact analysis process. The following paragraphs chronologically summarize the public involvement and coordination activities.

The Notice of Intent (NOI) to prepare an EIS for the SCOP was published in the *Federal Register* 144 on July 26, 2002. Notices were also published in local and regional newspapers including the *Las Vegas Review Journal*, *Henderson Home News*, *Arizona Republic*, *Desert Sun*, *Los Angeles Times*, and *San Diego Union-Tribune*. Postcards were mailed to residents in southern Nevada, Arizona, and California notifying them of the scoping meetings.

The two co-lead federal agencies, NPS and Reclamation, sent letters to 23 federal, state, and local agencies on July 29, 2002 offering cooperating status during preparation of the SCOP EIS. The agencies that accepted cooperating-agency status are the U.S. Army Corps of Engineers, BLM, the Colorado River Commission of Nevada, and the Metropolitan Water District of Southern California

Letters notifying tribal members of the proposed project and upcoming Scoping Meetings were mailed on August 9, 2002, to 31 individual members representing 19 Native American Tribes located near and downstream of the proposed project. Attached to the letter was a copy of the Federal Register NOI to prepare an EIS.

The scoping meetings were held from August 12, 2002 to August 23, 2002 in Henderson and Las Vegas, NV; Tempe and Phoenix, AZ; and Palm Springs and San Diego, CA. Fact sheets, maps, and comment forms were available at the scoping meetings. Additionally, a Native American Coordination Meeting was held on March 31, 2004.

The Draft SCOP EIS was distributed for review in early October 2005. One-hundred and forty two hard copies and 127 CD copies of the Draft EIS were distributed via the U.S. Postal Service, Federal Express, and United Parcel Service. Copies of the Draft EIS were available for review at 21 libraries in Nevada, Arizona, California, and Utah (and included the Boulder City Library, University of Nevada-Las Vegas, Clark County Community College Learning Resource Center, Sunrise Public Library, Clark County Library, Moapa Valley Library, Green Valley Library, Laughlin Library, James I. Gibson Library, Searchlight Library, Las Vegas Public Library, Mesquite Library, Sahara West Library, Burton Barr Central Library, Tempe Public Library, Meadview Community Library, University of Arizona Library, Mohave County Library, Environmental Services Library, Palm Springs Public Library, and Washington County Library). The Draft EIS was also posted on the CWC website and the NPS Lake Mead National Recreation Area website.

A Notice of Availability (NOA) was published by the NPS/Reclamation in the *Federal Register* on October 5, 2005 and by the Environmental Protection Agency (EPA) on October 7, 2005 announcing the availability of the Draft EIS for public review and comment. The 60-day comment period began on October 7, 2005 and ended on December 7, 2005. Comment letters were accepted through January 30, 2006.

Notices announcing the Draft EIS public hearings were published in the Henderson *Home News* on September 29 and October 13, 2005; the Las Vegas *Review Journal* on October 2 and 16, 2005; the Kingman *Daily Miner*, Arizona *Republic*, Los Angeles *Times*, San Diego *Tribune*, and *Desert Sun* on October 9 and 23, 2005. Nine public meetings were held in Nevada, Arizona, and California between October 17, 2005 and October 28, 2005.

Postcards were mailed to the agencies, organizations, and individuals on the Draft EIS distribution list. The postcard notified the public that the FEIS would be distributed soon and requested that recipients of the postcard indicate whether they prefer to receive a hard copy or an electronic copy of the FEIS.

The SCOP FEIS was distributed in late October 2006. Two hundred and fifty five hard copies and 222 CD copies of the FEIS were distributed via the U.S. Postal Service, Federal Express, and United Parcel Service. Copies of the FEIS were available for review at 22 libraries in Nevada, Arizona, California, and Utah (as noted above for the release of the Draft EIS). The FEIS was also posted on the CWC website and the NPS LMNRA website.

The EPA NOA for the SCOP FEIS was published the *Federal Register* on February 23, 2007. Therefore, the 30-day waiting period began on February 23, 2007 and ended on March 26, 2007. The NPS/Reclamation NOA was published in the Federal Register on March 7, 2007.

A letter to the Nevada SHPO and the Advisory Council on Historic Preservation from the NPS, dated March 17, 2006 initiated consultation under the National Historic Preservation Act, Section

106. The Section 106 consultation with the SHPO was completed in May 2007 with the signing of the Programmatic Agreement.

A letter to the USFWS from the NPS, dated August 17, 2006 initiated formal consultation under the Endangered Species Act, Section 7. The Section 7 consultation with the USFWS was completed in June 2007 with the issuance of the Biological Opinion for the SCOP, File No. 1-5-07-F-433.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF
APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL..... Department of the Interior, Bureau of Land Management, 4701 N. Torrey Pines, Las Vegas, Nevada 89130

WITH COPY TO
SOLICITOR.....

DOI Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-1712, Sacramento CA 95825-1890

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO
SOLICITOR.....

DOI Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-1712, Sacramento CA 95825-1890

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office --- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)